

### Subpart C—Furloughs

SOURCE: 76 FR 1517, Jan. 11, 2011, unless otherwise noted.

#### § 570.30 Purpose.

The purpose of this subpart is to describe the procedures governing the furlough program of the Federal Bureau of Prisons (Bureau), which is authorized by 18 U.S.C. 3622. Under the furlough program, the Bureau allows inmates who meet certain requirements to be temporarily released from custody under carefully prescribed conditions.

#### § 570.31 Inmate eligibility for furloughs.

(a) *Eligible inmates.* The following types of inmates may be eligible for furloughs:

(1) Sentenced inmates housed in Bureau facilities.

(2) Pretrial inmates housed in Bureau facilities (provided that they comply with the requirements of 28 CFR part 551, Subpart J).

(3) Sentenced inmates housed in Bureau facilities and classified as central inmate monitoring cases (provided that they comply with the requirements of 28 CFR part 524, Subpart F).

(b) *Ineligible inmates.* The following types of inmates are not eligible for furloughs:

(1) Sentenced inmates housed in contract facilities are not eligible to participate in the Bureau's furlough program under these rules, but may apply for furloughs as specified in that facility's written agreement with the Bureau.

(2) Inmates who are U.S. Marshals prisoners housed in contract facilities are not eligible to participate, but must direct any furlough requests to the U.S. Marshals.

#### § 570.32 Types of furloughs.

A furlough is an authorized absence from an institution by an inmate who is not under escort of a staff member, U.S. Marshal, or state or federal agents. The two types of furloughs are:

(a) *Transfer furlough*—A furlough for the purpose of transferring an inmate from one Bureau facility to another, a non-federal facility, or community

confinement (including home confinement) as noted below at § 570.33(a).

(b) *Non-transfer furlough*—A furlough for any purpose other than a transfer furlough, and which may be defined based on its nature, as either emergency or routine, as follows:

(1) *Emergency furlough*—A furlough allowing an inmate to address a family crisis or other urgent situation as noted below at § 570.33(b).

(2) *Routine furlough*—A furlough for any of the reasons noted below at § 570.33 (a) and (c) through (j).

(c) *Duration and distance of non-transfer furlough*—

(1) *Day furlough*—A furlough within the geographic limits of the commuting area of the institution, which lasts 16 hours or less and ends before midnight.

(2) *Overnight furlough*—A furlough which falls outside the criteria of a day furlough.

#### § 570.33 Justification for furlough.

The Warden or designee may authorize a furlough, for 30 calendar days or less, for an inmate to:

(a) Transfer directly to another Bureau institution, a non-federal facility, or community confinement;

(b) Be present during a crisis in the immediate family, or in other urgent situations;

(c) Participate in the development of release plans;

(d) Establish or reestablish family and community ties;

(e) Participate in selected educational, social, civic, and religious activities which will facilitate release transition;

(f) Appear in court in connection with a civil action;

(g) Comply with an official request to appear before a grand jury, or to comply with a request from a legislative body, or regulatory or licensing agency;

(h) Appear in or prepare for a criminal court proceeding, but only when the use of a furlough is requested or recommended by the applicable court or prosecuting attorney;

(i) Participate in special training courses or in institution work assignments, including Federal Prison Industries (FPI) work assignments, when

## § 570.34

## 28 CFR Ch. V (7–1–11 Edition)

daily commuting from the institution is not feasible; or

(j) Receive necessary medical, surgical, psychiatric, or dental treatment not otherwise available.

### § 570.34 Expenses of furlough.

All expenses of a furlough, including transportation, food, lodging, and incidentals, are the responsibility of the inmate, the inmate's family, or other appropriate source approved by the Warden, except that the government may bear the expense of a furlough if it is for the government's primary benefit.

### § 570.35 Transfer furlough eligibility requirements.

(a) Inmates transferring to administrative, low, medium, or high security facilities are generally not eligible for participation in the Bureau's transfer furlough program.

(b) For a transfer furlough, inmates other than those described in paragraph (a) of this section must:

(1) Be physically and mentally capable of completing the furlough; and

(2) Demonstrate sufficient responsibility to provide reasonable assurance that furlough requirements will be met.

(c) Inmates transferring to minimum security facilities must meet the requirements described in paragraph (b) of this section, and must also be:

(1) Transferring from a low or minimum security facility; and

(2) Appropriate for placement in a minimum security facility based on the inmate's security designation and custody classification at the time of transfer.

(d) Inmates transferring to community confinement must meet the requirements described in paragraph (b) of this section, and must also be appropriate for placement in community confinement based on the inmate's security designation and custody classification at the time of transfer.

### § 570.36 Non-transfer furlough eligibility requirements.

(a) An inmate may be eligible for a non-transfer furlough if the inmate meets the criteria described in 570.35(b) and the following additional criteria:

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|--|---|
| If an inmate has . . .   | Then the inmate may only be considered for . . .  |
| been confined at the initially designated institution for less than 90 days. | an emergency furlough.  |
| more than two years remaining until the projected release date               | an emergency furlough.  |
| 2 years or less remaining until the projected release date .....             | an emergency furlough or a routine day furlough.  |
| 18 months or less remaining until the projected release date ....            | an emergency furlough, a routine day furlough, or a routine overnight furlough within the institution's commuting area.                   |
| 1 year or less remaining until the projected release date .....              | an emergency furlough, a routine day furlough, or a routine overnight furlough either within or outside the institution's commuting area. |

(b) Ordinarily, Wardens will not grant a furlough to an inmate if:

(1) The inmate is convicted of a serious crime against a person;

(2) The inmate's presence in the community could attract undue public attention, create unusual concern, or diminish the seriousness of the offense; or

(3) The inmate has been granted a furlough in the past 90 days.

### § 570.37 Procedures to apply for a furlough.

(a) *Application.* Inmates may submit a furlough application to staff, who

will review it for compliance with these regulations and Bureau policy.

(b) *Notification of decision.* An inmate will be notified of the Warden's decision on the furlough application. Where a furlough application is denied, the inmate will be notified of the reasons for the denial.

(c) *Appeal.* An inmate may appeal any aspect of the furlough program through the Administrative Remedy Program, 28 CFR Part 542, Subpart B.

### § 570.38 Conditions of Furlough.

(a) An inmate who violates the conditions of a furlough may be considered